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EXAMINER

WANG, LIANG CHE A

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 05/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/904,285

Applicant(s)

KUPIEC ET AL.

Examiner

Liang-che Alex Wang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 71-85 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 71-85 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/30/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 71-85 have been examined.

Response to Arguments

2. Applicant's amendment and argument with respect to new claims 71-85 filed on 1/30/2006 have been fully considered but they are deemed to be moot in views of the new grounds of rejection.
3. In response to applicant's arguments, the recitation "a method of managing a plurality of physical assets of an industrial enterprise" and "An enterprise network for managing a plurality of physical assets of an industrial enterprise" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).
4. Applicant argued the substance that Brittenham fails to teach "a plurality of data sources each of which have a unique name for each of said assets" in claim 71 and 78. This argument is not found persuasive because Brittenham in page 5 [0052]-[0053], teaches each of data sources have a unique name for each of said assets (item 520 and item 610).
5. Applicant argued the substance that Brittenham fails to teach "said first message being about a condition" in claim 71 and 78. This argument is not persuasive because the

request for service in Brittenham is about a condition of the client where the client is in a condition in need of services (page 5 [0049-0051]).

Claim Rejections - 35 USC § 112

6. The drawings are objected to because of the following informalities:
7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
8. Claims 71-85 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
9. Claims 71 and 78 recite the limitation "said first asset" in line 8, lines 15-16 of claim 71 and lines 6, 8, 11 and 15 of claim 78. There is insufficient antecedent basis for this limitation in the claim.
10. All dependent claims are objected to as having the same deficiencies as the claims they depend from.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 71-73, 75-80, 82-84 are rejected under 35 U.S.C. 102(e) as being anticipated by

Brittenham et al., US Publication Number 2002/0178244 A1, hereinafter Brittenham.

13. Referring to claim 71, Brittenham teaches a method of managing a plurality of physical assets of an industrial enterprise, said enterprise having a network based data management infrastructure with a plurality of data sources (figure 4) each of which have a unique name for each of said assets (items 520 and 610 each contain unique name for each service, page 5 [0052-0053]), said method comprising the steps of: adding an asset management server (server 240) to said enterprise network (figure 2 page 3 [0031]), and operating said asset management server (server 240) to:

- a. receive a first message (deployment request) from a first data source (deployment node 260)(page 5 [0051] deployment request is sent from DN 260 to server 240), said first message being about a condition of said first asset (request for service is about a condition of the client where the client is in a condition in need of services page 5 [0049-0051]);
- b. determine from said first message that other data sources need to receive said first message (page [0052-0053] SOAP request is issued based on information given from the deployment request);
- c. determine said unique name (page 5 [0053 lines 9-13] by each of said first asset (service to client 210) by each of said other data sources (DN 260 and origin server 290) that need to receive said first message (figure 4 and page 5 [0053]);

- d. prepare a second message (SOAP request) from said first message, for each of said other data sources that need to receive said first message, wherein said second messages are respectively prepared using said unique names for said first asset that are used by said other data sources that need to receive said first message (page 5 [0052-0053]); and
 - e. transmit said second messages to said other data sources that need to receive said incoming message, respectively (figure 4 stage 9 page 5 [0053]).
14. Referring to claim 72, Brittenham teaches the method of claim 71, wherein said first data source is a control system (figure 4, deployment node 260 corresponds to a control system) and said other data sources include a maintenance management system (origin server 290 corresponds to a maintenance management system).
15. Referring to claim 73, Brittenham teaches the method of claim 71, wherein the first message is a maintenance condition document (deployment request corresponds to a maintenance condition document; page 5 [0051]).
16. Referring to claim 75, Brittenham teaches the method of claim 71, further comprising transmitting said first message using the HTTP protocol (page 4 [0038], lines 17-23, figure 5A).
17. Referring to claim 76, Brittenham teaches the method of claim 75, wherein said first message and each of said second messages s in the XML format (page 4 [0038], lines 17-23, figure 5A).
18. Referring to claim 77, Brittenham teaches the method of claim 71, further comprising transmitting said first message in a protocol session (page 4 [0038]); and wherein each of

said second messages is transmitted to each of said other data sources during said protocol session that transmitted said first message (page 4 [0038]).

19. Referring to claims 78-80, 82-84. Claims 78-80, 82-84 encompass the same scope of the invention as that of the claims 71-73, 75-77. Therefore, the claims 78-80, 82-84 are rejected for the same reason as the claims 71-73, 75-77.

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claims 74, 81 and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brittenham in views of Pionzio, JR. et al., US Publication Number 2002/0029097 A1, hereinafter Pionzio.
22. Referring to Claim 74, Brittenham teaches the method of claim 71, Brittenham teaches operating said asset manager server to transfer second message to other data sources (page 5 [0053]) and does not teach other source being a human machine interface to display information in said second message.

However, Pionzio teaches wherein said data management infrastructure (figure 1A) further includes a human machine interface (APU 10 figure 1A) for displaying information (page 3 [0044]) received from server (page 3 [0048].)

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate the human machine interface of Pionzio in Brittenham such that to have Brittenham's system includes a human machine interface to display information in said second message because both Pionzio and Brittenham teach transmitting messages/information among nodes on a network (figure 2 of Brittenham and figure 1A of Pionzio.)

A person with ordinary skill in the art would have been motivated to make the modification to Brittenham because having the human machine interface would allow human users to receive information at server in order to control and configure the system from viewing information displayed on the APU as taught by Pionzio (page 3 [0042-0048].)

23. Referring to claim 81. Claim 81 encompasses the same scope of the invention as that of the claim 74. Therefore, the claim 81 is rejected for the same reason as the claim 74.
24. Referring to claim 85, Brittenham teaches the enterprise network of claim 78, Brittenham does not teach wherein the industrial enterprise is an electric power generating station and one of the other data source includes a turbine.

However, Pionzio teaches wherein the industrial enterprise is an electric power generating station and one of the other data source includes a turbine (page 1 [0005]).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate the industrial enterprise as an electric power generating station and the one of the other data source includes a turbine because

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Brittenham provides a method to deploy network accessible services and Pionzio teaches a system which Brittenham's method could be implemented.

A person with ordinary skill in the art would have been motivated to make the modification to Brittenham because having the industrial enterprise is an electric power generating station and one of the other data source includes a turbine would allow Brittenham's system to support control and monitoring functionalities of the wind turbines and the power generating system (Pionzio page 1 [0003]).


Conclusion

25. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

26. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is (571)272-3992. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.
28. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571)272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
29. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Liang-che Alex Wang 
April 18, 2006


SALEH NAJJAR
SUPERVISORY PATENT EXAMINER